



An
Bord
Pleanála

Inspector's Report ABP317132-23

Development	Retain electronic gates.
Location	Boherboy entrance to Coldwater lakes, Saggart, County Dublin.
Planning Authority	South Dublin County Council
Planning Authority Reg. Ref.	SD23A/0042
Applicant(s)	Cape Wrath Hotel Unlimited Company
Type of Application	Retention Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Paul Crone & Others
Observer(s)	None.
Date of Site Inspection	16 th September 2023.
Inspector	Hugh Mannion

1.0 Site Location and Description

- 1.1. The application site is the gated entrance to a group of houses at Coldwater Lakes, Saggart, County Dublin. The application is for retention of the gates *in situ* on the immediate right of the junction of an access road serving the Fairgreen housing development with the Boherboy Road. The Boherboy road links Saggart village to the north with the N81 to the east. The speed limit on this road is 50kph.

2.0 Proposed Development

- 2.1. The proposed development comprises the retention of electronic gates at Boherboy entrance to Coldwater Lakes, Saggart, County Dublin.

3.0 Planning Authority Decision

3.1. Decision

Grant with permission. Condition 2 restricted the use to access only as set out in the application.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- 3.2.2. The planner's report recommended a grant of permission as set out in the Chief Executive's order.

3.2.3. Other Technical Reports

Water Services Planning Report reported no objection on the grounds of surface water or flooding impacts.

Transport Infrastructure Ireland reported no observations to make.

Roads Department reported "no objection" to the proposed development.

4.0 **Planning History**

4.1. Planning history recorded in the planner's report included permission for housing and a golf club. Under S8778 an enforcement file was opened in July 2021 in relation to an unauthorised entrance.

5.0 **Policy and Context**

5.1. **Development Plan**

5.2. The site is zoned OS 'to preserve and provide for open space and recreational amenities' in the South Dublin County Development Plan 2022 - 2028

5.3. **Natural Heritage Designations**

5.4. Not relevant.

5.5. **EIA Screening**

5.6. The proposed development is not one to which Schedule 5 of the Planning and Development Regulations, 2001, as amended, applies and therefore, the requirement for submission of an EIAR and carrying out of an EIA may be set aside at a preliminary stage.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- The proposed development does not comply with the County Development Plan.
- The completed development required the provision of an access roadway and the laying of electric cabling. These elements were not considered by the planning authority.

- The gate leads of traffic congestion on the public road and the Roads Department did not adequately consider this aspect of the application when they reported no objection to the proposal.
- The gate has given rise to congestion and traffic hazard as it is close to the Fairgreen housing development.
- The Drainage Division has not reported on the surface water aspects of the proposed development.
- The gate does not protect pedestrian safety.
- There are insufficient details submitted with the application in relation to power supply, structural stability or materials of construction. No proposals to resurface the road at the gateway are included in the application.
- The conditions imposed in the decision to grant permission are inadequate and unenforceable.

6.2. Applicant Response

- The application was made consequent to service of an enforcement notice relating solely to the erection of a gate. Therefore, the application relates only to the gate and it is inappropriate to raise other matters when considering this application.
- The planning authority's Roads Department reported no objection and Transport Infrastructure Ireland reported no observations to make in relation to this application.
- The endarken was gated since the early 2000s and the electronic gate is a minor alteration to this situation. The access road is lightly trafficked and there is no history of traffic incidents adjacent to the gate.
- The height of the gate is marginally more than is allowed as exempted development. Surface water management, power supply or materials are not relevant considerations in this case.

- The application relates solely to the gate not to any intensification of use. Reference to playing pitches elsewhere are irrelevant in this case.

6.3. **Planning Authority Response**

- The issues raised in the appeal are covered in the planner's report.

6.4. **Observations**

- None

6.5. **Further Responses**

- None

7.0 **Assessment**

7.1. **Background**

7.2. Relaying on the material on file (from the applicant and the observer/appellant) it appears that this road was constructed in the 1990s or early 2000s and served both the Fairgreen housing to the north and the Coldwater Lakes housing (13 units) and golfclub to the south and west. In 2019 the installation of a gate serving the Coldwater Lakes housing was determined by the planning authority to be unauthorised development which, then, gave rise to this application for retention.

7.3. **Traffic Hazard**

7.4. The appeal makes the point that the proposed development will give rise to traffic hazard. The Roads Department reported "no roads objections" to the proposal and the TII reported no observations to make.

7.5. There is an existing entrance at this location and the covering letter includes a photograph indicating that a gated entrance existed in 2009. The applicant's response to the appeal makes the point that there is no history of traffic accidents at this location. The access road which serves both this gate and the Fairgreen housing

development is has a junction with the Saggart to N81 link road. The speed limit on this road is 50kph.

7.6. There is ample room to manoeuvre at the junction of the shared access road between Fairgreen housing development and the Coldwater Lakes housing/golf development. The speed limit on the Boherboy road is 50kph and there is a footpath linking the access northwards along the Boherboy road to Saggart village centre. I conclude on this basis that the proposed development will not endanger vehicular or pedestrian safety.

7.7. **Surface Water**

7.8. The gates have no capacity to impact on the surface water regime in the area.

7.9. **Power Supply**

7.10. The appeal raised the point of power supply to the gate. The power supply to the gate, in this instance, is not a matter for the development management system.

7.11. **Materials of Construction.**

7.12. The appeal raises the issue of construction materials. The gate is of metal construction. This raises no additional planning issues.

7.13. **Access Roadway.**

7.14. The appeal makes the point that an additional access roadway was created in conjunction with the gate. Based on the information on file it appears that the access has existed for some period of years. This application for retention refers to the retention of a gate – if further unauthorised development has taken place that is a matter, in the first instance, for the planning authority.

7.15. **Appropriate Assessment Screening**

7.16. Having regard to the nature and scale of the proposed development, the nature of the foreseeable emissions therefrom and the distance from any European site it is possible to screen out the requirement for the submission of an NIS and carrying out of an AA at an initial stage.

8.0 **Recommendation**

8.1. I recommend a grant of planning permission.

9.0 Reasons and Considerations

- 9.1. Having regard to the modest nature of the proposed development as a gate to an existing entrance serving a residential use and subject to compliance with the condition set out below it is considered that the proposed development will not seriously injure residential amenity or give rise to traffic hazard or congestion and would otherwise accord with the provisions of the South Dublin County Development Plan 2022 – 2028 and the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application.</p> <p>Reason: In the interest of clarity.</p>
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Hugh Mannion
Senior Planning Inspector

16th September 2023